

Brien Holden Foundation

CHILD SAFEGUARDING POLICY AND PROCEDURES

1. INTRODUCTION

The Foundation is committed to safeguarding those it works with. We recognise that the nature of our work places our staff and representatives in positions of authority and trust in relation to the communities we work with, especially vulnerable adults and children.

We also recognise that children can be more vulnerable due to their age, gender, race, ethnic origin or socioeconomic status. Children with disabilities, who are orphaned, are indigenous or from ethnic minorities, can face an even higher level of vulnerability.

The Foundation's staff and representatives have an obligation to uphold high standards of personal and professional conduct at all times and must not abuse their position in order to exploit or abuse another person.

The Child Safeguarding Policy outlines the Foundation's approach to safeguarding children and the steps we take in our work and with our people, to ensure we do no harm to children. The Child Safeguarding Procedures describe, the practical actions that we perform to apply this policy.

2. POLICY STATEMENT

The Brien Holden Foundation takes very seriously its responsibility and duty to ensure that we, as an organisation, and anyone who represents us, do not in any way harm, abuse or commit any other act of violence against children or place them at risk.

We promote child-safe practices and approaches. We take a zero-tolerance approach to all forms of violence against children.

We ensure that all those who work with us understand and are supported in their responsibilities to meet our safeguarding roles and responsibilities. We take positive action to prevent anyone who might be a risk to children from any involvement in our work and take stringent measures against participants who perpetrate an act of violence against a child and/or young person.

3. SCOPE

This policy applies to all Foundation staff and other key groups.

- 'Staff' refers to full-time, part-time, international and national employees and also those engaged on short-term contracts, including but not limited to: consultants, volunteers, interns, researchers, photographers, etc.

- ‘Other key groups’ refers to visitors, board directors, trustees, staff in partner agencies, and any other individuals or groups that have contact with the organisation.

4. PRINCIPLES

Core principles:

- The Foundation believes that all children and young people have equal rights to protection from abuse and exploitation regardless of their gender, race, religion, disability, social or cultural background, or any other distinguishing characteristics.
- We take all possible steps to ensure that our programs are safe for children, particularly programs that focus directly with children.
- It is also vital that the Foundation remains alert to child protection issues and has the capacity to manage them effectively. Child abuse is not tolerated by the Brien Holden Foundation, nor is possession of or access to child pornography. The Foundation will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk to children.

The Foundation also adheres to the principles detailed by the Australian Department of Foreign Affairs and Trade in its child protection policy:

- **Zero tolerance of child exploitation and abuse** - we do not tolerate child exploitation and abuse, and actively work to reduce the risk of this in our programs.
- **Recognition of the best interest of the child** - in all of our interactions with children, the best interest of the child will be our guiding principle.
- **Sharing responsibilities for child protection** - we will engage our partners to work with us in protecting children.
- **Risk management approach** - we will identify risks to children throughout the lifecycle of our programs and ensure that the design and management strategies mitigate the risk.
- **Procedural fairness** - we will use fair and proper procedures when responding to concerns or allegations of exploitation or abuse.

5. DEFINITIONS

Child or Minor

As per the United Nations Convention on the Rights of the Child, a child or minor is defined as any person/s under the age of 18. It should be noted that the legal age of consent does vary between countries

Child abuse

Child abuse is a deliberate act of ill treatment that can harm, or is likely to harm a child’s safety, well-being, dignity and development. Child abuse includes:

- **Physical abuse** - physical abuse occurs when a person deliberately injures or threatens to injure a child or young person. This abuse may include slapping, punching, shaking, kicking, shoving or grabbing.
- **Emotional abuse** - emotional abuse occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down, or continual coldness from parents or caregivers to the extent that it affects a child's physical and emotional growth.
- **Sexual abuse** - sexual abuse includes all forms of sexual violence including incest, early and forced marriage, rape, involvement in pornography, and sexual slavery. Child sexual abuse may also include indecent touching or exposure, using sexually explicit language towards a child and showing children pornographic material.
- **Neglect** - neglect is the persistent failure or the deliberate denial to provide for, or secure for a child their rights to physical safety and development. This includes abandonment, failure to supervise, provide for physical needs or provide medical care.

Duty of Care

Common law that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm and foreseeable risk of injury.

Exploitation

Child exploitation is the use of children for someone else's advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child.

Sexual exploitation

This is the abuse of a child for sexual purposes in order to profit monetarily, socially or politically. This includes child prostitution, trafficking of children for sexual abuse, sexual slavery and child pornography.

Economic exploitation

This is the use of the child in work for the benefit of others. This includes child domestic work, child soldiers, the use of children in criminal activities and the involvement of children in harmful or hazardous work.

6. PROCEDURES

Legislative and Regulatory Context

As a signatory to the UN Convention on the Rights of the Child, Australia complies with Article 19 which requires all state parties to protect the child from all forms of violence, abuse, neglect, maltreatment and exploitation.

The Crimes (Child Sex Tourism) Amendment Act (1994) makes it a criminal offence in Australia for an Australian citizen or resident to engage in sexual activity with a child under the age of 16 in an overseas

country. It is also an offence to encourage, benefit or profit from any activity that promotes sexual activity with children. The law applies to individuals, companies or corporations.

Australian state and territory child protection legislation specifies mandatory reporting of suspected cases of child abuse. Most countries in which the Foundation carry out programs have legislation relating to child exploitation and abuse.

As recipients of funding from the Australian Department of Foreign Affairs and Trade (DFAT), the Foundation has to meet expectations set out by DFAT and extends them to all implementing partners who utilise these funds

The Foundation is committed to reviewing its policy regularly (a minimum of every two years) or as advised as by ACFID and DFAT.

Roles and responsibilities

Senior Leadership will:

- Ensure child-safe recruitment, including screening of all staff;
- Monitor and ensure compliance with the Code of Conduct
- Induct new staff, including information and training on child safeguarding;
- Arrange regular child safeguarding refresher training;
- Conduct screening and risk assessment of partners;
- Ensure monitoring and supervision of interactions between donors and children;
- Undertake child protection risk assessment as part of program design;
- Monitor child protection risks during program implementation;
- Immediately report to DFAT and other donors any child safeguarding incidents, as stipulated in partnership and funding agreements; and
- Report to authorities suspected or known instances of harm or abuse in line with our procedures.

All Board members, staff, Foundation representatives, volunteers and interns will:

- Comply with this policy and Code of Conduct;
- Follow the Child Safeguarding Procedures;
- Be alert to child safeguarding risks and incidents in their work; and
- Identify and seek continued understanding of child safeguarding through training.

Partner organisations (including organisations engaged as contractors and consultants) will:

- Comply with screening and risk assessment; and
- Provide or develop child safeguarding policies with assistance from the Brien Holden Foundation.

Individual consultants and contractors will:

- Comply with recruitment and screening procedures (as per staff);

- Commit to and comply with our Child Safeguarding Policy, Code of Conduct and Child Safeguarding Procedures.

Global Safeguarding Officer (SpeakingUp@bhvi.org)

The designated Global Safeguarding Officer (SpeakingUp@bhvi.org) will be responsible for promoting child safeguarding and protection throughout the Foundation, coordinating training for staff, monitoring internal and external policy compliance and coordinating policy reviews. Each region also has a designated Regional Safeguarding Focal Point to support the implementing of and compliance with the child safeguarding policy and procedures.

The Global Safeguarding Officer (SpeakingUp@bhvi.org) also serves as the central contact point for queries (internal and external) about child abuse and child protection.

Risk Management

The Foundation recognises that there are a number of potential risks to children in the delivery of our programs to people in vulnerable or disadvantaged situations. The Foundation proactively assesses and manages these risks to children in our programs (and in the communities in which we work) to reduce the risk of harm. This is achieved by examining each program and its potential impact on children. Programs that involve direct work with children are considered a higher risk, and therefore require more stringent child protection procedures. However, as children are part of every community in which we work, we are always mindful of potential risks.

Risk management is an ongoing part of every activity, and the Foundation conducts a child protection risk context assessment on every new and emerging program, project and partner, included in the project management cycle. Staff and others should continually be aware of risks, and be actively minimizing opportunities and situations where children can be harmed. All projects contain a risk register and it is mandatory that this be kept updated, including for child protection.

For further information on project risk management, please refer to the *Child Protection – Project management and risk assessment SOP*.

Code of Conduct for Working with Children

Staff members and others are responsible for maintaining a professional role with children, which means establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of the professional relationship. All staff should conduct themselves in a manner consistent with their role as a Brien Holden Foundation representative and a positive role model to children. The Foundation has developed a child-safe code of conduct to protect children, staff and the organization by providing clear behavioural guidelines and expectations. The code is to be signed by all Foundation staff.

Refer to the annex for the *Brien Holden Foundation Child Safeguarding Code of Conduct*.

Employment of Staff and Volunteers

The Foundation is committed to child-safe recruitment, selection and screening practices. These practices aim to recruit the safest and most suitable people to work in our programs. Our child safe practices include:

- Promoting our child-safe commitment on our website, in other promotional materials and in all job advertisements;
- Applicants will be required to submit a detailed CV when applying for a position;
- All positions will be assessed for the level for risk in relation to contact with children. Positions working directly with children will require the highest level of screening and the applicant must possess relevant qualifications and experience in working with children;
- Applicants will be informed of the screening requirements during the interview process. This will include a police clearance or relevant criminal history check depending on country of origin and work, and Working With Children Checks or equivalent checks. Where a Police Check cannot be obtained all reasonable measures, including background and reference checks will be undertaken to ensure the person does not pose a risk to children. These applicants will be required to sign an Employment Declaration stating that they have not been convicted of a serious sex offence or child-related personal violence;
- Interviews will be conducted for all positions, ideally face-to-face, but telephone interviews may be necessary in the international context;
- Targeted-based questions will be used to ask for examples of the candidate's past behaviour and experiences. In positions working directly working with children, the process will include using behavioural questions and questions around child protection issues;
- A minimum of two reference checks will be required for all preferred candidates. In positions working directly with children, reference checks will include questions about suitability for working with children;
- All positions will be subject to a probationary period depending on the length of the contract;
- All staff and others will be required to read and sign the Code of Conduct for Working with Children;
- The Foundation reserves the right to refuse employment to or terminate any person's employment that may pose a risk to children.

For further information please refer to the *Child Protection – Human Resource and recruitment SOP*.

Use of Children's Images

The Foundation will at all times portray children in a respectful, appropriate and consensual way. In photographing, filming or using images of a child for work related purposes, we will ensure that:

- A child should always be portrayed in a dignified and respectful manner and not in a vulnerable or submissive manner.
- A child should be adequately clothed and not in poses that could be seen as sexually suggestive.
- A child and its family must always be asked for consent when using their images. When asking for consent to use the image, details should be given as to how and where this image will be used.

- There should be no identifying information of the child used in the publication of images with their location.
- Children should be portrayed as part of their community.
- Local cultural traditions should be assessed regarding restrictions for reproducing personal images.
- Images should be an honest representation of the context and the facts.
- When sending images electronically, file labels should not reveal identifying information.
- All photographers will be screened for their suitability, including police checks where appropriate.

Child Protection Reporting Processes

The Foundation considers the abuse and exploitation of children to be completely unacceptable. We will take all concerns and reports of child abuse seriously and act on these reports immediately.

It is mandatory for all staff and others to report concerns or allegations of child abuse. These concerns may relate to a child or a staff member involved in the organisation or a concern about a child or person/s outside of the organisation's programs. If staff have a concern they should immediately follow the *child abuse reporting procedures*.

Who should report?

All Foundation staff and others including people in the community and partner organizations.

What should be reported?

- Any disclosure or allegation from a child/community member or staff regarding the safety/abuse or exploitation of a child.
- Any observation or concerning behaviour exhibited by a Foundation staff, volunteer or other relevant stakeholder that breaches the Code of Conduct for working with children.
- Inappropriate use of the organisation's photographic equipment or computers including evidence of child pornography.
- Staff engaging in suspicious behaviour that could be associated with sexual exploitation or trafficking.

Who to report to?

- Child abuse reports should be made to the Global Safeguarding Officer (SpeakingUp@bhvi.org) and your line manager.
- For concerns about staff, local in-country legislation will guide the process based on whether the allegation constitutes a criminal offence in the country, or whether it is a breach of the Foundation's code of conduct and will be dealt with as a disciplinary matter.
- An initial assessment will be made based on the quality and reliability of the information and a decision will be made (in consultation with the Global Safeguarding Officer (SpeakingUp@bhvi.org) and Regional Director) on what steps to take.

- Any child safeguarding incident will immediately be reported to DFAT by the Global Safeguarding Officer or a member of the Leadership Team when the incident pertains to a DFAT-funded project; the same practice applies to other funding partners.
- In Australia, reporting child abuse can either be made to the local state police and the state child protection authorities. If there is an allegation or suspicion of child sexual abuse by a staff member or volunteer in the organization, these matters will be reported to the state police. In most Australian states there are specialised units dealing with child sexual crimes. If there are concerns that a child is being sexually abused by someone external to the organization, the Foundation will contact the state police and/or child protection authorities.
- Concerns about people engaging in child sex tourism, child sex trafficking and child pornography should be reported to the Australian Federal Police (Transnational Sexual Crimes Squad).
- The Foundation will treat all concerns raised seriously and ensure that all parties will be treated fairly and the principles of natural justice will be a prime consideration. All reports will be handled professionally, confidentially and expediently.
- All reports made in good faith will be viewed as being made in the best interests of the child regardless of the outcomes of any investigation. The Foundation will use their best endeavours to ensure that the interests of anyone reporting child abuse in good faith are protected.
- Any employee who intentionally makes false and malicious allegations, will face disciplinary action.
- The best interests of the child is of prime importance. Every effort must be made to protect the rights and safety of the child throughout the investigation.

Responding to Disclosure by a Child

- Try and obtain some details such as where the abuse is taking place, school, home, work etc.; is it currently occurring or did occur in the past, name of perpetrator if possible but not necessary.
- It is possible that some children or young people will make a disclosure and then ask you not to tell anyone. It is important you seek guidance from your manager and the Global Safeguarding Officer (SpeakingUp@bhvi.org) to discuss how the child or young person can be supported and the disclosure managed.
- Protect the child - once an allegation is made there should be an immediate response that protects the child from further potential abuse or victimisation. The child may require medical assistance or counselling support. Where possible the child should remain in the place of residence or relevant program. Exceptions may be made where the child is deemed to be at risk of victimisation by peers as a result of the allegation or because the alleged abuse has occurred in home-based care. If the child is in immediate danger you should make arrangements for the child to go to a safe place.
- Distance the alleged perpetrator - the best interest of the child may warrant the standing down of a staff member or volunteer. The manager should recommend the appropriate action in writing to the Global Safeguarding Officer (SpeakingUp@bhvi.org). Any staff member stood down in this manner continues to receive full pay - this measure recognises that that the member is entitled to a just process that does not pre-judge guilt or innocence. Any volunteers who are stood down should similarly receive any reasonable reimbursement of costs.

- Confidentiality - all reports, the names of people involved and the details will remain confidential. Only the manager, regional director, Global Safeguarding Officer (SpeakingUp@bhvi.org) and CEO, and the people involved will be informed of the report. Details will be released on a “need to know” basis or when required by relevant local or Australian law or a notification to police or child protection authorities is made.

The Foundation will incorporate child-friendly complaints handling processes into their child programs. This can be done by the following:

- Child feedback forms - child feedback forms can be given to children after eye screening in vision centres, outreach and school screening programs.
- Child friendly reporting process card/brochures can be produced to be placed in vision centres and distributed to children during outreach and school screening programs.

For further information on the reporting process, please refer to the *Child Protection – Reporting Guidelines SOP*.

Measure for breaches

Breaches of this policy and the child protection code of conduct will not be tolerated. Where the breach is made by a staff member, it may result in further education on the child safeguarding policy and code of conduct, disciplinary procedures, change of duties or termination of employment.

Where the breach is made by a partner organisation, this may result in the termination of the contract with the entity.

In addition to this, there may be other legal action and/or criminal investigation and prosecution.

Educating the Organisation

The Foundation is committed to educating staff and others in how to reduce risks and create child-safe environments. We will promote child safe practices which keep children safe in the organisation and in their own communities, and provide information about child protection to the children and communities in which we work. This information will include reporting child abuse if they have concerns about a Foundation member of staff or other representative of the organisation.

Staff will be informed of our child safeguarding policy and procedures during induction. Further education in the form of workshops, discussion and online education modules will also be delivered.

CHILD SAFEGUARDING CODE OF CONDUCT

In this document (**Code**), reference to “staff” includes all employees, contractors, consultants and volunteers of the Brien Holden Foundation (**Foundation**).

At the Foundation child protection is everybody’s business.

Whilst the Code aims to ensure the Foundation is a child-safe organisation and provides a child-safe, inclusive and respectful environment for children who are beneficiaries of our programs and activities, the principles behind the Code extend to all children by encouraging our staff to continue to have safe and respectful interactions with children and young people in and out of the work place.

The Code provides a practical guide to prevent child abuse occurring within the organisation and incorporate risk management strategies. These strategies will assist everyone to understand their child protection responsibilities, maintain a positive work environment and also create safe environments where children are protected and enabled to survive and thrive.

Staff are responsible for maintaining a professional role with children, which means establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of the professional relationship.

All staff should conduct themselves in a manner consistent with their role as a Foundation representative and a positive role model to children. The Foundation has developed a child-safe code of conduct to protect children, staff and the Foundation by providing clear behavioural guidelines and expectations. The Code is to be signed by all Foundation staff.

As a Foundation representative, **I WILL:**

- > Treat all children and young people in our programs with respect, regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- > Conduct myself in a manner that is consistent with the values of the Foundation.
- > Provide a welcoming, inclusive and safe environment for all children, young people, parents, staff and volunteers.
- > Comply with and observe the laws, customs and traditions of countries I work in or work with. In cases where this contravenes the UNCRC, the UNCRC will be upheld.
- > Encourage open communication between all children, young people, parents, staff and volunteers and have children and young people participate in the decisions that affect them.
- > Immediately report any concerns or allegations of child abuse or child exploitation in accordance with the Foundation’s procedures, including if I observe any concerning behaviour of colleagues.
- > Take responsibility for ensuring that I do not place myself in positions where there is a risk of allegations being made, e.g. by ensuring that another adult is present when working within the vicinity or proximity of children.

- > Self-assess my behaviours, actions, language and relationships with children.
- > Use common sense to avoid actions that are abusive or exploitative of children or could be construed as such.
- > Speak with my manager about any concerns I have of my involvement in any situation that could be, or be misinterpreted as a breach of the child protection policy.
 - o Only photograph, film, or otherwise record the image of a child with the consent of the child and his/her parents or guardians, and only after explaining to the child and his/her parents and guardians the purpose of the photograph, film or recording. In relation to such activity, I will also:
 - assess and endeavour to comply with local traditions or restrictions for reproducing personal images before photographing, filming or recording the image of a child.
 - o ensure that any photographs, films or other recording of children presents them in a dignified and respectful manner and not in a vulnerable, submissive or sexually suggestive manner.
 - o limit the number of photos so as to be reasonable and not undignify or disrespect the child.
 - o ensure all images of children are honest representations of the context and the facts.
 - o ensure file labels, meta data or text descriptions of images do not reveal any personal information about a child when communicating or publishing images in any form.
 - o refrain from taking photos that I intend to sell or use for other personal purposes (such as sharing on personal social media sites).

Immediately disclose all charges, convictions and other outcomes of an offence that relates in any way to the exploitation or abuse of children, whether occurring before or during my association with the Foundation.

As a Foundation representative, **I WILL NOT:**

- > Engage in behaviour that is intended to harass, shame, humiliate, belittle or degrade children.
- > Use inappropriate, offensive, abusive or discriminatory language when speaking with a child or young person.
- > Do things of a personal nature that the child can do for themselves, such as assistance with toileting or changing clothes.
- > Invite unaccompanied children to my own home/hotel (unless they are at immediate risk of injury or physical danger) or sleep in the same room or bed as a child.
- > Smack, hit or physically assault children.
- > Act in a sexually provocative manner, or engage children in any form of sexual activity, including by paying for sexual services or acts involving children, regardless of perception of age or development.
- > Develop relationships with children that may be deemed exploitative or abusive.
- > Condone or participate in, behaviour of children that is illegal, unsafe, exploitative or abusive.
- > Act in a way that shows unfair and differential treatment of children.

- > Hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way.
- > Seek to make contact (including using social media) or spend time with any child or young person involved in Foundation programs outside program times.
- > Use any computers, mobile phones, video, cameras or social media inappropriately, nor use them for the purpose of exploiting or harassing children or accessing child exploitation materials through any media.
- > Hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

I have reviewed the Brien Holden Foundation Working with Children Code of Conduct and I agree to adhere to these standards throughout my association with the Foundation.

Signature

Witness Signature

Name

Witness Name

Date

Date

Document Control

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March 2020	Updated by: Director of the Foundation Reviewed by: CEO	June 2020	June 2021
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